

REMARKS

Claims 1 - 26 remain active in this application. The specification has been reviewed and editorial revisions made where seen to be appropriate, including a correction suggested by the Examiner. Claims 1, 12 17, 25 and 26 have been amended to improve form. Addition of legends to Figure 1 and 9 have been proposed in accordance with the Examiner's suggestions.

No new matter has been introduced into the application. The indication of allowability, the acceptance of formal drawings and acknowledgment of the claim for priority are noted with appreciation.

The Examiner has noted that the declaration is defective and required a new declaration. The Examiner's criticism was not initially understood since the explanation refers to the execution thereof and a properly executed declaration was filed on March 21, 2002, in response to a Notice to File Missing Parts. However, the Examiner's comments are now understood to criticize the executed declaration as referring to an attached specification instead of identifying the application by serial number and filing date. A new declaration referring to the application in that manner will be filed as soon as execution by the inventors can now be obtained and it is respectfully requested that the requirement for a new declaration be held in abeyance until such time. If the Examiner intended to make any other criticism, it is respectfully requested that the undersigned be contacted by telephone in order to address any such other criticism in the new declaration.

The Examiner has objected to the drawings suggesting, but not requiring, legends in Figures 1 and 9; indicating that such legends would "read well". This objection is respectfully traversed. There is no requirement in 37 C.F.R. §1.83 or §1.84 that

explanatory legends be provided but, rather, provides for objection to and requiring *deletion* of explanatory matter in the drawings. Accordingly, Applicants propose to add the legends substantially as the Examiner suggests, as shown in red on attached copies of Figures 1 and 9, if, upon reconsideration, the Examiner makes a requirement therefor so that Applicants will not be put to the expense of preparation of sheets of formal drawings to which the Examiner might still object given that no requirement for such legends has been made.

The Examiner has also objected to the specification indicating that certain changes would "read well". This objection is also respectfully traversed since a statement of preference by the Examiner does not provide a basis for an objection.

Substantively, the first two suggestions by the Examiner are respectfully submitted to be in error. The original text differs from the Examiner's suggestion merely by punctuation and, since the references are to numbered "rules", the original punctuation is respectfully submitted to be correct and appropriate. However, the Examiner's third suggestion appears to be well-taken and the suggested change has been made above. Accordingly reconsideration and withdrawal of this ground of objection is respectfully requested.

The Examiner has objected to claims 1, 17, 25 and 26; again indicating that certain changes would "read well". This objection is also respectfully traversed as clearly improper and moot. The MPEP explicitly indicates that no objection may be based on an Examiner's mere preference for language unless the language used prevents the scope of a claim from being reasonably determined. However, since it appears that the language suggested by the Examiner would also avoid the ground of rejection under at least 35 U.S.C. §101 and in an effort to satisfy the Examiner, the

Examiner's suggestions have been adopted in the above amendments; thus rendering the objection moot. Accordingly, reconsideration and withdrawal of this ground of objection is respectfully requested.

Claims 1 - 24 have been rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. This objection is respectfully traversed, particularly as being substantively in error and moot.

Substantively, the invention as claimed, both originally and as amended above, is directed to a method and system for computing a novel metric for quantitatively indicating relevance of a text to an inquiry which has been found to be of improved reliability while being capable of being computed rapidly and relatively simply. Therefore the method and system are clearly useful "outside of a computer" and manifestly statutory subject matter. Moreover, the reference to a "text ... in a database" in the independent claims clearly relates the claimed subject matter to a technological art and establish that the invention is not merely an abstract idea. Nevertheless, in an effort to satisfy the Examiner, claims 1 and 17 have been amended as suggested and as to which, the Examiner has indicated such language will be considered statutory in most cases. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 5 and 7 - 10 have been rejected under 35 U.S.C. §102/103 as being anticipated by or unpatentable over Binnig et al. in view of Braden-Harder et al. Claims 6, 16, and 25 and claims 17 - 24 (in separate statements) have also been rejected under 35 U.S.C. §103 as being unpatentable over the same combination of references. Claims 11 - 13 have been rejected under 35 U.S.C. §103 as being unpatentable over Braden-Harder in view of Manelski (although the Examiner is clearly relying on Binnig et al., as well).

Claim 14 has been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Braden-Harder et al. and Bessho et al. Claim 15 has been rejected under 35 U.S.C. §103 as being unpatentable over Binnig et al. in view of Braden-Harder et al. and Feigenbaum. These grounds of rejection are respectfully traversed.

Initially, it is respectfully pointed out that a rejection for anticipation cannot be based on a combination of references. Therefore, the statement of the rejection is clearly in error and improper under 35 U.S.C. §102 in view of the Examiner's apparent reliance on both Binnig et al. and Braden-harder et al. therein.

It is respectfully submitted that Binnig et al. is assigned to the assignee of the present application and that joint inventor Klenk is common to both the present invention and Binnig et al. Binnig is exemplary of a system for forming a semantic network (that can be graphically expressed) corresponding to text of a sentence in order to automate the apprehension of textual information. Use of a semantic network generator in order to generate graphs of sentences is noted on page 16 of the present application and a semantic network generator of the type disclosed by Binnig et al. might possibly be similarly used in connection with the present invention, as well as the semantic network generators cited on page 16. However, no evolving of the graph to reduce its complexity (page 7) or calculation of a characterizing strength (defined in the claims as an indication of how well a text describes a query) are seen to be taught or suggested by Binnig et al. (which is directed to an entirely different objective) and the passages of Binnig cited by the Examiner as containing such teachings appear to be entirely silent in regard thereto.

These deficiencies of Binnig et al. are not mitigated by Braden-Harder et al. While Braden-Harder

et al. is directed to improving precision of searches for relevant documents, it is primarily concerned with the nature of semantic links in text and, while rules for "morphing" a syntactical tree may be predefined in Braden-Harder et al., there does not appear to be any evolution thereof (particularly for simplification), definition of a neighborhood or computation of a characterizing strength based on such neighborhood(s). The system of Braden-Harder is much more complex and necessarily more time-consuming than that claimed for the simple reason that the evolution/simplification of graphs, the determination of neighborhoods and the calculation of a characterization strength based on neighborhoods are antithetical to the consideration of the nature of the semantic links in the text. This complexity and failure to perform evolution or consider neighborhoods is abundantly evident from the passage of Braden-Harder beginning at column 12, line 30.

(Confirmation of the Examiner's citation by column and line number rather than paragraph number within a section of the patent is respectfully requested.)

Accordingly, it is seen that the basic references relied upon by the Examiner do not, in fact, support a *prima facie* demonstration of anticipation or obviousness of any claim in the application. The Examiner appears to have ignored or failed to recognize the explicit recitation of the above-noted features which clearly distinguish the invention and support its meritorious effects. In regard to Bessho et al. Manelski and Feigenbaum, the Examiner has not asserted that either has any relevance to these features and has thus failed to make a *prima facie* demonstration of obviousness in regard to any of claims 11 - 15.

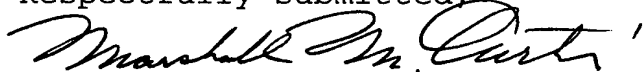
Therefore it is respectfully submitted that Binnig et al. and/or Braden-Harder, whether or not supplemented by Bessho et al., Manelski and/or Feigenbaum do not answer explicit recitations of any of

the claims under either 35 U.S.C. §102 or §103 and the Examiner has not addressed the deficiencies thereof with and compelling logical line of reasoning and thus has not made a *prima facie* demonstration of the propriety of any ground of rejection based on prior art. Accordingly, reconsideration and withdrawal of these grounds of rejection is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis & Christofferson, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

(703) 787-9400
Customer Number: 30743

Attachment: Two sheets proposed drawing revisions

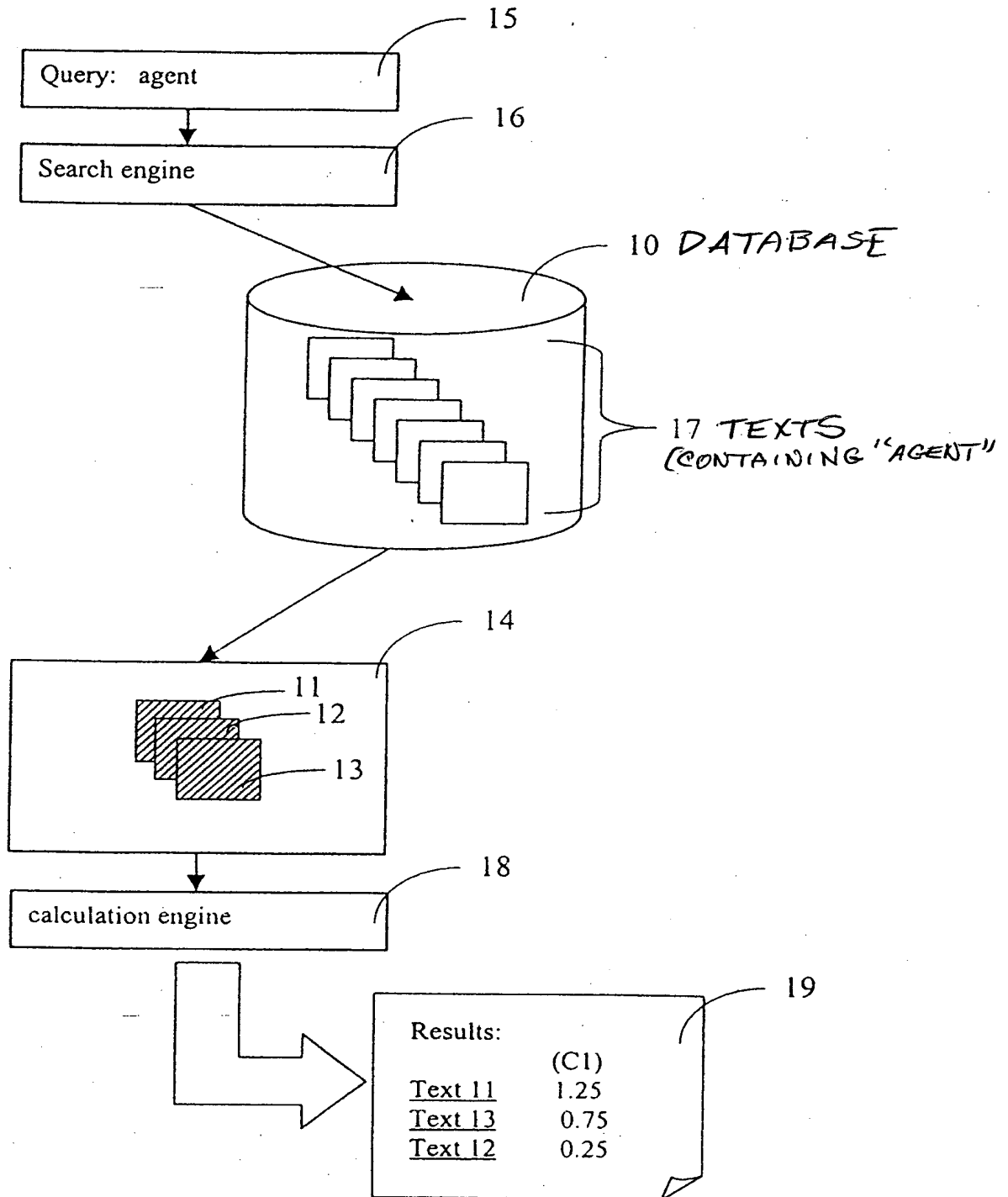


FIG. 1

18/21

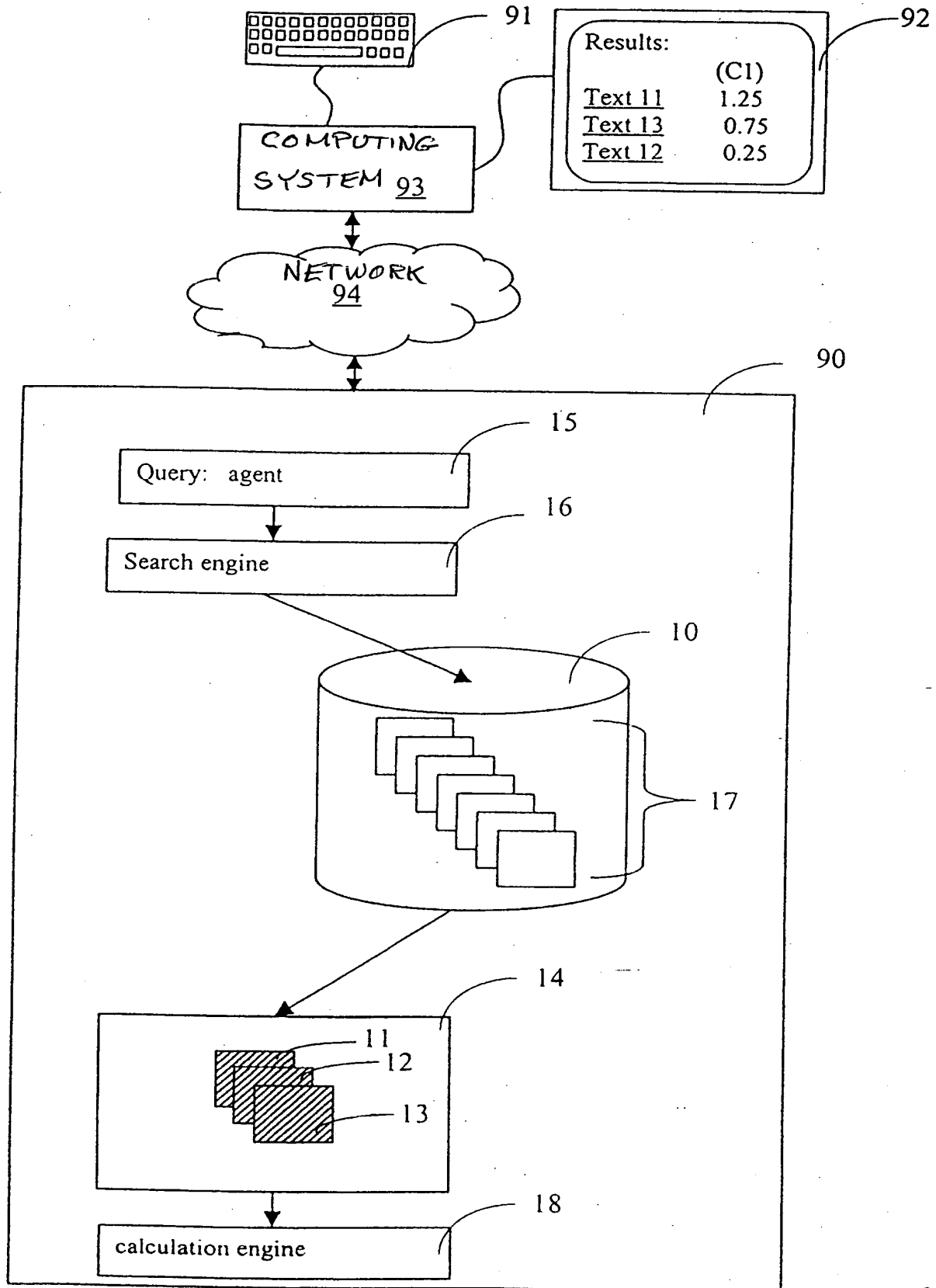


FIG. 9